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PATENT AND TRADEMARK OFFICEATTORNEY DOCKET NO.  
108172-00069TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

DATE: May 16, 2001

U.S. APPLN. NO.  
(IF KNOWN, SEE 37 C.F.R. 1.5)  
not yet assigned

09/831373

INTERNATIONAL APPLICATION NO.  
PCT/US99/26019INTERNATIONAL FILING DATE  
November 23, 1999PRIORITY DATE CLAIMED  
November 23, 1998

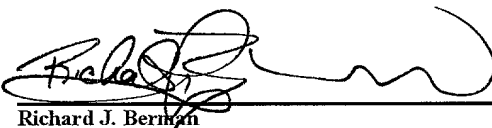
TITLE OF INVENTION: GENETIC MARKERS WHICH IDENTIFY INDIVIDUALS WHO IMPROVE THEIR DIABETES STATUS WITH EXERCISE

APPLICANT(S) FOR DO/EO/US: Alan SHULDINER; Robert E. FERRELL; James M. HAGBERG; and Michael D. BROWN

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.  
(THE BASIC FILING FEE IS ATTACHED)
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper demand for International Preliminary Amendment was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English [35 U.S.C. 371(c)(2)].
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☐ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 16 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Response to Written Opinion; Written Opinion; Form PCT/IB/308; Form PCT/IPEA/402; Demand for International Preliminary Examination under PCT Article 31; Demand; Form PCT/IB/306; copy of published International Application No. PCT/US99/26019  
CHECK NO.

U.S. APPL. NO. (IF KNOWN) SEE 37 C.F.R. 1.400 not yet assigned <b>09/831373</b>		INTERNATIONAL APPLICATION NO. PCT/US99/26019		ATTORNEY DOCKET NO. 108172-00069 DATE: May 16, 2001					
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National Fee [37 C.F.R. 1.492(a)(1)-(5)]:</b> Search Report has been prepared by the EPO or JPO.....\$860.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482).....\$690.00 No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO [37 C.F.R. 1.445(a)(2)].....\$710.00 Neither international preliminary examination fee (37 C.F.R. 1.482) or international search fee [37 C.F.R. 1.445(a)(2)] paid to USPTO.....\$1,000.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 100.00				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> <tr> <td style="height: 100px;"></td> <td></td> </tr> </table>		CALCULATIONS	PTO USE ONLY		
CALCULATIONS	PTO USE ONLY								
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 690.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].				\$					
Claims	Number Filed	Number Extra	Rate						
Total Claims	7 - 20 =	0	X \$ 18.00	\$					
Independent Claims	7 - 3 =	4	X \$ 80.00	\$ 320.00					
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$					
TOTAL OF ABOVE CALCULATIONS =				\$ 1010.00					
Reduction by one-half for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28).				\$					
SUBTOTAL =				\$					
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].				\$					
TOTAL NATIONAL FEE =				\$ 1010.00					
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				\$					
TOTAL FEES ENCLOSED =				\$ 1010.00					
				Amount to be refunded	\$				
				Charged	\$				
a. <input type="checkbox"/> A check in the amount of \$            to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 01-2300 in the amount of \$1010.00 to cover the above fee. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2300.									
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.									
SEND ALL CORRESPONDENCE TO: <b>Arent Fox Kintner Plotkin &amp; Kahn</b> <b>1050 Connecticut Avenue, N.W.</b> <b>Suite 600</b> <b>Washington, D.C. 20036-5339</b> <b>Tel: (202) 857-6000 Fax: (202) 638-4810</b>									
				 Richard J. Bernin Reg. No. 39,107					

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

SHULDINER et al.

International Appln. No.: PCT/US99/26019

Filed: Concurrently herewith

Attorney Dkt. No.: 108172-00069

For: GENETIC MARKERS WHICH IDENTIFY INDIVIDUALS WHO IMPROVE THEIR  
DIABETES STATUS WITH EXERCISE

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

May 16, 2001

Sir:

Prior to initial examination of the application, please amend the above-identified  
application as follows:

**IN THE SPECIFICATION:**

Before Line 1, page 1 insert

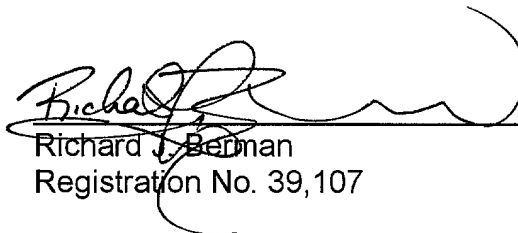
**--CROSS-REFERENCE TO RELATED APPLICATION**

This application is a National Stage entry of International Application No.  
PCT/US99/26019, filed November 23, 1999 which claims domestic priority to  
Application Serial No. 60/109,432, filed November 23, 1998, the entire specification and  
claims of which are incorporated herewith by reference.--

**REMARKS**

In the event this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,



Richard J. Berman  
Registration No. 39,107

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 Connecticut Avenue, N.W.,  
Suite 600  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

RJB/ccd

## GENETIC MARKERS WHICH IDENTIFY INDIVIDUALS WHO IMPROVE THEIR DIABETES STATUS WITH EXERCISE

### FIELD OF THE INVENTION

The present invention relates to identifying one or more genetic markers which correlate with greater success in improving diabetes status in individuals with and without diabetes.

### BACKGROUND OF THE INVENTION

5 Studies have shown that individuals suffering from or at risk of developing diabetes can alleviate symptoms or otherwise improve their conditions through exercise. Unfortunately, some individuals, no matter how rigorously they exercise, are unable to improve their conditions, while others  
10 benefit to a much greater extent than predicted. These results underscore the fact that many factors contribute to an individual's well-being. Such factors include, for example, behaviors such as diet and exercise, genetic makeup, and environment. While behavior and environment can be controlled, altered or regulated, an individual's genetic makeup is essentially predetermined and set  
15 at birth. The present inventors hypothesized that upon identifying the genetic makeup of a population suffering from or at risk of developing diabetes and observing that some individuals of the population improve their diabetic status from a change of behavior to a much greater or lesser extent than expected, a correlation could be made between the presence or absence of certain genetic  
20 markers and success in improving diabetic status.

An object of the present invention is to identify one or more genetic markers which positively correlate with greater success in improving diabetes status in individuals with and without diabetes.

### SUMMARY OF THE INVENTION

25 The present inventors have discovered a number of genetic markers which positively correlate with greater success in improving diabetes status in

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diabetic or at risk individuals, as compared with other genetic makeup at the same gene loci. Therefore, the present invention is directed to a method of improving diabetes status in a subject with diabetes or at risk of developing diabetes, the method comprising:

- 5 identifying a subject with diabetes or at risk of developing diabetes having an allele and/or a genotype at a gene locus which positively correlates with greater success in improving diabetes status in diabetic individuals, as compared with other alleles and/or genotypes at the same gene locus; and
- engaging the subject in exercise training for a period of time sufficient
- 10 to improve the diabetes status in the subject.

### **DETAILED DESCRIPTION OF THE INVENTION**

The inventors have found that a number of genetic markers positively correlate with greater success in improving diabetes status in individuals with

15 diabetes or at risk of developing diabetes, as compared with other genetic makeup at the same gene loci. Markers which the inventors have investigated include the beta-2 and beta-3 adrenergic system receptor (ASR) gene, the peroxisome proliferator activator receptor gamma (PPAR-gamma) gene, the insulin receptor substrate-1 (IRS-1) gene and the fatty acid binding protein-2

20 (FABP-2) gene.

The term "subject in need of improvement" means both subjects with diabetes and subjects at risk of developing diabetes. In a preferred embodiment, the subject is with diabetes.

The term "improved diabetes status" means an improvement in at least

25 one characteristic area which is associated with diabetes. An improvement may be in one or more of the following characteristic areas (this list is non-exhaustive and includes overlapping and representative examples only): change in glucose metabolism, change in insulin metabolism, change in glucose levels from a baseline determination, change in insulin levels from a baseline

30 determination, change in fasting plasma glucose levels, change in fasting

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plasma insulin levels or change in acute insulin response to glucose. These improvements may be measured by, for example, glucose tolerance tests conducted before and after exercise training. An improvement in diabetes status in accordance with the invention may be found both in individuals with diabetes and in individuals at risk of developing diabetes.

The term "single course of exercise", as used throughout this application, means a cardiovascular exercise session of any type which is conducted during one day. An exercise session may comprise an aerobics class, treadmill training, step machine, or any other suitable cardiovascular exercise regimen. For most cases, exercise may be completed in, for example, 30 minutes to 3 hours, with optional brief rest periods of 3-15 minutes, however this amount would vary depending on the health and endurance of the subject.

The term "moderate exercise" means about 5-9 single courses of exercise, preferably about 6-8, or 7 single courses of exercise, over the exercise period. The exercise period in the case of a moderate exercise protocol may be from about 5-45 days, preferably from about 5-30 days, 5-20 days, or 5-15 days.

The term "extensive exercise" means about 10 single courses of exercise or more, preferably at least 15, at least 20, or at least 25 single courses of exercise, over a defined period of time ("the exercise period"). The exercise period in the case of an extensive exercise protocol may be from about 50-400 days, preferably from about 70-350 days or 100-300 days.

The time between exercise courses depends on whether the exercise period is an extensive or moderate exercise period. In the case of extensive exercise periods, the time between exercise courses may be from about 1-3 days or more. In the case of moderate exercise periods, the time between exercise courses may be from 24 hours or more.

The present inventors have discovered that diabetic individuals or those at risk of developing diabetes with different genotypes for genes which control the manufacture of certain proteins exhibit different degrees of success in

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improving their diabetes status through exercise. The inventors have surprisingly discovered that each genotype potentially can benefit from exercise, however, the amount of exercise which produces the most benefits varies according to genotype. These results could not have been predicted from  
5 initial patient screening.

Beta adrenergic receptors have numerous functions in the body, and are activated by binding beta agonists, such as the catecholamines isoproterenol, norepinephrine and epinephrine. In mammals, the liberation of glucose and fatty acids can be triggered by the binding of epinephrine or norepinephrine to  
10 beta adrenergic receptors on hepatic and adipose cells.

The inventors have found that subjects having a "12" genotype for a beta-2 adrenergic receptor gene exhibit a greater improvement in diabetes status than those with a "11" genotype, after extensive exercise. However, subjects having the "11" genotype for the beta-2 adrenergic receptor gene exhibit a  
15 greater improvement in diabetes status than those with the "12" genotype, after moderate exercise.

Therefore, one method of improving diabetes status in a subject in need of such improvement according to the invention comprises identifying a subject having a "12" genotype for a beta-2 adrenergic receptor gene, wherein the  
20 subject is in need of improved diabetes status and engaging the subject in extensive exercise training for a period of time sufficient to improve the diabetes status in the subject.

Another method of improving diabetes status in a subject in need of such improvement according to the invention comprises identifying a subject having  
25 a "11" genotype for a beta-2 adrenergic receptor gene, wherein the subject is in need of improved diabetes status and engaging the subject in moderate exercise training for a period of time sufficient to improve the diabetes status in the subject.

The present inventors have also discovered that diabetic individuals with  
30 different beta-3 adrenergic receptor genotypes exhibit different degrees of



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success in improving their diabetes status through exercise. The inventors have found that those individuals having a "11" genotype exhibit greater improvement in diabetes status than those with "12" genotypes, after extensive exercise.

5           Therefore, an additional method of improving diabetes status in a subject in need of such improvement according to the invention comprises identifying a subject having a "11" genotype for a beta-3 adrenergic receptor gene, wherein the subject is in need of improved diabetes status and engaging the subject in extensive exercise training for a period of time sufficient to improve the  
10       diabetes status in the subject.

          Peroxisome proliferator activator receptors are members of the nuclear hormone receptor family of transcription factors, a diverse group of proteins that mediate ligand-dependent transcriptional activation and repression. They modulate DNA transcription by binding to specific peroxisome proliferator  
15       response elements on target genes. The best characterized of these receptors, PPAR-gamma, is known to play a critical role in adipocyte differentiation and fat deposition and is highly expressed in this tissue.

          The inventors have found that diabetics or those at risk of developing diabetes having a "11" genotype at the PPAR-gamma locus improve their  
20       diabetes status more with extensive exercise training than those having a "12" genotype.

          Therefore, a method of improving diabetes status in a subject in need of such improvement comprises identifying a subject having a "11" genotype for a PPAR-gamma gene, wherein the subject is in need of improved diabetes  
25       status and engaging the subject in extensive exercise training for a period of time sufficient to improve the diabetes status in the subject.

          IRS-1 is a 185 kDa protein which is activated rapidly upon insulin stimulation of cells, and is a key mediator of an insulin-regulated biological activity. The amino-terminal region of the protein contains interaction modules  
30       that facilitate its binding to receptors of insulin, IGF-1 and others. The

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remainder of the molecule contains numerous tyrosine containing motifs, which, when phosphorylated by the insulin receptor tyrosine kinase, serve as binding regions for a variety of cellular proteins containing a so-called "SH2" domain.

5           The inventors have found that subjects having a "12" genotype for the IRS-1 gene exhibit a greater improvement in diabetes status than those with a "11" genotype, after extensive exercise.

          Therefore, in accordance with this aspect of the present invention, a method of improving diabetes status in a subject in need of such improvement  
10       comprises identifying a subject having a "12" genotype for an IRS-1 gene, wherein the subject is in need of improved diabetes status and engaging the subject in extensive exercise training for a period of time sufficient to improve the diabetes status in the subject.

          Fatty acid binding protein (FABP) can be found in numerous places in  
15       the body. In the liver, this protein binds free fatty acids and their Coenzyme A derivatives, bilirubin, and some other small molecules in the cytoplasm. Intestinal FABP is an abundant cytosolic protein in small intestine epithelial cells. It may participate in the uptake, intracellular metabolism and/or transport of long-chain fatty acids.

20           The inventors have found that subjects having a "12" genotype for a FABP-2 gene exhibit a greater improvement in diabetes status than those with a "11" genotype, after extensive exercise.

          Therefore, a method of improving diabetes status in a subject in need of such improvement, according to this aspect of the invention, comprises  
25       identifying a subject having a "12" genotype for a FABP-2 gene, wherein the subject is in need of improved diabetes status and engaging the subject in extensive exercise training for a period of time sufficient to improve the diabetes status in the subject.

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### EXAMPLES

#### Example 1. Variations in Improvement of Diabetes Status in Subjects with Different Beta-2 and Beta-3 ASR and PPAR-Gamma Genotypes After Extensive Exercise

5 DNA was obtained from obese sedentary men 50-65 yrs of age, and processed as follows.

#### Detection of Pro12Ala Substitution in PPAR-Gamma

10 Genotyping for the Pro12Ala substitution in PPAR $\gamma$ 2 was performed by polymerase chain reaction-restriction fragment length polymorphism (PCR-RFLP) analysis as previously reported (1). Briefly, genomic DNA (approximately 20 ng) was subjected to PCR using upstream primer 5'-GCCAATTCAAGCCCAGTC-3' and mutagenic downstream primer 5'-GATATGTTTGCAGACAGTGTATCAGTGAAGGAATCGCTTTCCG-5' 15 using standard reagents and cycling conditions to yield a 270 bp product. If the C-G substitution at nucleotide 34 of the PPAR $\gamma$ 2 gene is present, the mutagenic downstream primer introduces a BstU-1 restriction site (CG/CG). Digestion with BstU-1 was performed; the products were electrophoresed on a 2.5% agarose gel, the gel was stained with ethidium bromide, and DNA was 20 visualized by UV transillumination. Expected digestion product sizes were 270 bp for Pro12 homozygotes, 227 and 43 bp for Ala12 homozygotes, and 270 bp, 227 bp, and 43 bp for heterozygotes.

#### Detection of Trp64Arg Substitution in Beta-3-ASR

25 Polymerase chain reaction was performed from approximately 20 ng of genomic DNA with upstream primer 5'-CGCCCAATACCGCCAACAC-3' and downstream primer 5'-CCACCAGGAGTCCCATCACC-3' in the presence of 10% dimethylsulfoxide (2). The resulting 210 bp product was digested with BST NI. The digested products were subjected to electrophoresis through a 4% 30 agarose gel. The gel was stained with ethidium bromide and DNA was

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visualized by UV transillumination. The expected sizes were 99 bp, 62 bp, 30 bp, 12 bp and 7 bp for Trp64 homozygotes, 161 bp, 30 bp, 12 bp and 7 bp for Arg64 homozygotes, and 161 bp, 99 bp, 62 bp, 30 bp, 12 bp and 7 bp for heterozygotes.

5.

#### Detection of Gln27Glu Substitution in Beta-2 ASR

Genotyping for the Gln27Glu substitution in the beta-2-adrenergic receptor was performed as described previously (3). Genomic DNA was amplified with upstream primer 5'-GGCCCATGACCAGATCAGCA-3' and downstream primer 5'-GAATGAGGCTTCCAGGCGTC-3' using standard conditions. The resulting 353 bp product was digested with Ita I and the reaction products subjected to agarose gel electrophoresis. The gel was stained with ethidium bromide and DNA was visualized by UV transillumination. The expected sizes were 174 bp, 97 bp, 55 bp and 27 bp for Gln27 homozygotes, 229 bp, 97 bp and 27 bp for Glu27 homozygotes, and 229 bp, 174 bp, 97 bp, 55 bp and 27 bp for heterozygotes.

#### Results

The subjects underwent 9 months of endurance exercise training to quantify, among other things, their improvements in plasma glucose and insulin responses to an oral glucose challenge. Subjects were initially stabilized on an American Heart Association low-fat diet and then underwent an oral glucose tolerance test with blood samples drawn for up to 3 hours after the ingestion of a standard glucose load. This diet was maintained throughout the 9 months of exercise training and subjects repeated the glucose tolerance test after training. The data in Table 1 represent the change in the integrated glucose and insulin areas above baseline that occurred with exercise training. Subjects with the beta-2 ASR "12" genotype decreased their glucose and insulin areas with exercise training substantially more than subjects with the beta-2 ASR "11" genotype. Furthermore, subjects with the beta-3 ASR "11" genotype decreased

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their glucose areas less, but decreased their insulin areas substantially more with exercise training than subjects with the beta-3 ASR "12" genotype. Lastly, subjects with the PPAR-gamma "11" genotype decreased their glucose areas less, but decreased their insulin areas dramatically more with exercise training than subjects with the PPAR-gamma "12" genotype. Thus, these results indicate that beta-2 and beta-3 ASR and PPAR-gamma genotypes identify those individuals most likely to improve their diabetic status, in terms of glucose and insulin metabolism, with exercise training.

Table 1: Change with Exercise Training in Integrated Glucose and Insulin Areas in Response to an Oral Glucose Tolerance Test as a Function of Genotype

	Change with Exercise Training	
	Glucose Area	Insulin Area
<b><math>\beta</math>2 Receptor Genotype</b>		
11 genotype (n=6)	-285 $\pm$ 791	-3224 $\pm$ 1584
12 genotype (n=8)	-1489 $\pm$ 603	-6831 $\pm$ 5349
<b><math>\beta</math>3 Receptor Genotype</b>		
11 genotype (n=13)	-1012 $\pm$ 559	-6863 $\pm$ 3930
12 genotype (n=2)	-2115 $\pm$ 495	-1273 $\pm$ 1192
<b>PPAR<math>\gamma</math> Genotype</b>		
11 genotype (n=13)	-1255 $\pm$ 536	-9150 $\pm$ 4308
12 genotype (n=2)	-2692 $\pm$ 472	172 $\pm$ 891

Values are mean  $\pm$  SE. Values are expressed as the change with 9 months of exercise training in integrated glucose or insulin area above baseline for 3 hours following a standard oral glucose challenge. Thus, negative values indicate a response that is reduced after exercise training and positive values a response that is greater after training.

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Example 2. Variations in Improvement of Diabetes Status in Subjects with Different IRS-1 and FABP-2 Genotypes After Extensive Exercise

The same subjects as in Example 1 were genotyped for IRS-1 and FABP-2 genes as follows.

5

Detection of Gly972Arg Substitution in IRS-1

A 220 bp region encompassing the Gly972Arg substitution was amplified from approximately 20 ng of genomic DNA with upstream primer 5'-GCAGCCTGGCAGGAGAGCCAT-3' and downstream primer 5'-CTCACCTCCTCTGCAGCAATG-3'. PCR products were digested with Bst NI. The digested products were run on a 4% agarose gel, stained with ethidium bromide, and visualized by UV transillumination. The expected digestion product sizes were 220 bp for Gly972 homozygotes, 164 bp and 56 bp for Arg972 homozygotes and 220 bp, 164 bp and 56 bp for heterozygotes.

15

Detection of Ala54Thr Substitution in FABP-2

A 180 bp region encompassing the Ala54Thr substitution was amplified by PCR from genomic DNA with upstream primer 5'-ACAGGTGTTAATATAGTGAAAAG-3' and downstream primer 5'-TACCCTGAGTTCAGTTCCGTC-3' using standard conditions (4). The PCR product was digested with Hha I. The digestion products were electrophoresed through a 4% agarose gel, the gel was stained with ethidium bromide, and DNA was visualized by UV transillumination. Expected DNA fragment sizes were 99 bp and 81 bp for Ala54 homozygotes, 180 bp for Thr54 homozygotes and 180 bp, 99 bp and 81 bp for heterozygotes.

25

Results

The exercise regimen for these subjects was described in Example 1. The data in the following Table 2 represent the change in the integrated glucose and insulin areas above baseline and fasting plasma insulin levels that occurred

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with the exercise training. Subjects with the FABP-2 "12" genotype decreased their glucose and insulin areas and fasting insulin levels with exercise training substantially more than subjects with the FABP-2 "11" genotype. Furthermore, subjects with the IRS-1 "12" genotype decreased their glucose areas somewhat less, but decreased their insulin areas and fasting insulin levels substantially more with exercise training than subjects with the IRS-1 "11" genotype. Thus, these results indicate that IRS- 1 and FABP-2 genotypes identify those individuals most likely to improve their diabetic status, in terms of glucose and insulin metabolism, with exercise training.

Table 2: Change with Exercise Training in Integrated Glucose and Insulin Areas in Response to an Oral Glucose Tolerance Test and Fasting Plasma Insulin Levels as a Function of Genotype

FABP-2 Genotype	Change with Exercise Training		
	Glucose Area	Insulin Area	Fasting Insulin
11 genotype (n=6)	-221 $\pm$ 674	-2320 $\pm$ 1021	-1.6 $\pm$ 2.2
12 genotype (n=5)	-2232 $\pm$ 509	-10080 $\pm$ 8559	-7.5 $\pm$ 3.7
IRS-1 Genotype			
11 genotype (n=9)	-1437 $\pm$ 490	-2308 $\pm$ 854	-2.6 $\pm$ 2.0
12 genotype (n=2)	-49 $\pm$ 1588	-21771 $\pm$ 22230	-11.7 $\pm$ 7.1

Values are mean  $\pm$  SE. Values are expressed as the change with 9 months of exercise training in integrated glucose or insulin area above baseline for 3 hours following a standard oral glucose challenge or the fasting plasma insulin level. Negative values indicate a response or level that is reduced after exercise training and positive values a response that is greater after training.

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Example 3. Variations in Improvement of Diabetes Status in Subjects with Different Beta-2 ASR Genotypes After Moderate Exercise

In the study obese sedentary hypertensive African-American middle-aged women underwent 7 days of endurance exercise training to quantify, among other things, their improvements in plasma glucose and insulin responses to an intravenous glucose challenge. DNA processing was in accordance with Example 1. Subjects were initially weight-stabilized on their own diet and then underwent an intravenous glucose tolerance test with blood samples drawn for up to 3 hours after the injection of a standard glucose load. The women then repeated the glucose tolerance test after 7 days of exercise training. With training, women with the beta-2 ASR "11" genotype decreased their acute insulin response, during the first 10 minutes following the injection of the glucose load, and their fasting plasma insulin levels more than women with the beta-2 ASR "12" genotype. The results are presented in the following Table 3. These results are further evidence that the beta-2 ASR genotype identifies those individuals most likely to improve their diabetic status, in terms of glucose and insulin metabolism, with exercise training.

Table 3: Change with Moderate Exercise Training in Acute Insulin Response and Fasting Insulin Levels as a Function of Genotype

	Change with Exercise Training	
	Acute Insulin Response	Fasting Insulin
$\beta 2$ Receptor Genotype		
11 genotype (n=5)	$-36 \pm 64$	$0.2 \pm 1.5$
12 genotype (n=3)	$-169 \pm 201$ (P=0.20)	$-5.7 \pm 3.1$ (P=0.009)

Values are mean  $\pm$  SD. Values are expressed as the change with 7 days of exercise training in acute insulin response for the 10 minutes following the injection of glucose and fasting plasma insulin levels. Negative values indicate a response or level that is reduced after 7 days of exercise training and positive



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values a response or level that is greater after training.

The following references cited in the specification are hereby incorporated by reference:

- 5 (1) Yen et al. (1997) *Biochem. Biophys. Res. Commun.* **241**, 270-274.
- (2) Widen et al. (1995) *N. Engl. J. Med.* **333**, 348-351.
- (3) Large et al. (1997) *J. Clin. Invest.* **100**, 3005-3013.
- (4) Baier et al. (1995) *J. Clin. Invest.* **95**, 1281-1287.

0963437-03101

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We claim:

1. A method of improving diabetes status in a subject in need of such improvement, the method comprising:

identifying a subject with diabetes or at risk of developing diabetes  
5 having an allele and/or a genotype at a gene locus which positively correlates with greater success in improving diabetes status in diabetic individuals, as compared with other alleles and/or genotypes at the same gene locus; and

engaging the subject in exercise training for a period of time sufficient to improve the diabetes status in the subject.

10

2. A method of improving diabetes status in a subject in need of such improvement, the method comprising:

identifying a subject with diabetes or at risk of developing diabetes  
having a "12" genotype for a beta-2 adrenergic receptor gene, wherein the  
15 subject is in need of improved diabetes status; and

engaging the subject in extensive exercise training for a period of time sufficient to improve the diabetes status in the subject.

20

3. A method of improving diabetes status in a subject in need of such improvement, the method comprising:

identifying a subject with diabetes or at risk of developing diabetes  
having a "11" genotype for a beta-3 adrenergic receptor gene, wherein the  
subject is in need of improved diabetes status; and

25

engaging the subject in extensive exercise training for a period of time sufficient to improve the diabetes status in the subject.

4. A method of improving diabetes status in a subject in need of such improvement, the method comprising:

identifying a subject with diabetes or at risk of developing diabetes  
30 having a "11" genotype for a peroxisome proliferator activator receptor gamma

- 15 -

gene, wherein the subject is in need of improved diabetes status; and  
engaging the subject in extensive exercise training for a period of time  
sufficient to improve the diabetes status in the subject.

- 5        5.        A method of improving diabetes status in a subject in need of such  
improvement, the method comprising:

identifying a subject with diabetes or at risk of developing diabetes  
having a "12" genotype for a fatty acid binding protein-2 gene, wherein the  
subject is in need of improved diabetes status; and

- 10            engaging the subject in extensive exercise training for a period of time  
sufficient to improve the diabetes status in the subject.

6.        A method of improving diabetes status in a subject in need of such  
improvement, the method comprising:

- 15            identifying a subject with diabetes or at risk of developing diabetes  
having a "12" genotype for a insulin receptor substrate-1 gene, wherein the  
subject is in need of improved diabetes status; and

engaging the subject in extensive exercise training for a period of time  
sufficient to improve the diabetes status in the subject.

20

7.        A method of improving diabetes status in a subject in need of such  
improvement, the method comprising:

identifying a subject with diabetes or at risk of developing diabetes  
having a "11" genotype for a beta-2 adrenergic receptor gene, wherein the  
subject is in need of improved diabetes status; and

25

engaging the subject in moderate exercise training for a period of time  
sufficient to improve the diabetes status in the subject.

**Declaration For U.S. Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(Insert Title) GENETIC MARKERS WHICH IDENTIFY INDIVIDUALS WHO IMPROVE THEIR DIABETES STATUS WITH EXERCISE

the specification of which is attached hereto unless the following box is checked:

☒ was filed on November 23, 1999 As PCT International Application  
 Number PCT/US99/26019 and was amended on \_\_\_\_\_  
 and/or was filed on May 16, 2001 As U.S. Patent Application  
 Number \_\_\_\_\_ and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

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(List prior foreign applications)

(Number) _____	(Country) _____	(Day/Month/Year Filed) _____
(Number) _____	(Country) _____	(Day/Month/Year Filed) _____
(Number) _____	(Country) _____	(Day/Month/Year Filed) _____

Priority Claimed

☐ Yes ☐ No☐ Yes ☐ No☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>60/109,432</u>	<u>November 23, 1998</u>
(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)

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(List prior U.S. Applications or PCT International applications designating the U.S.)

(Application Serial No.) _____	(Filing Date) _____	(Status) (patented, pending, abandoned) _____
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Alan SHULDINER  
Inventor's signature Alan Shuldiner MD Date 6/20/01

Residence 10600 Harpoon Hill, Columbia, MD 21044  
Citizenship US  
Post Office Address Same as above

Full name of sole or second inventor Robert E. FERRELL  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

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Full name of sole or third inventor James M. HAGBERG  
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(List prior  
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Priority Claimed

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

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<u>60/109,432</u> (Application Number)	<u>November 23, 1998</u> (Filing Date)
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Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

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Post Office Address Same as above

Full name of sole or second inventor Robert E. FERRELL  
Inventor's signature *Robert E. Ferrell* 6/20/01  
Date \_\_\_\_\_

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<input checked="" type="checkbox"/>	was filed on <u>November 23, 1999</u>	As PCT International Application
	Number <u>PCT/US99/26019</u> and was amended on _____	
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Priority Claimed

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

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<u>60/109,432</u> (Application Number)	<u>November 23, 1998</u> (Filing Date)
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(List prior U.S.  
Applications or  
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<u>        </u> (Application Serial No.)	<u>        </u> (Filing Date)	<u>        </u> (Status) (patented, pending, abandoned)
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Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

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Inventor's signature [Signature] Date 6/15/01

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Post Office Address Same as above

RECEIVED JUN 26 2001

Docket No. 108172-00069

ARENT FOX KINTNER PLOTKIN &amp; KAHN, PLLC

**Declaration For U.S. Patent Application**

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(Number)

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60/109,432

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